

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,

Petitioner,

vs.

Kenneth Lee Demarce.

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. C2-04-59


This Court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, detailing the Defendant's failure to comport with the terms of his supervised release. (doc. #54). Early on in his term of supervised release, the Defendant failed to report for drug and alcohol testing five times, consumed alcohol, and failed to attend various counseling and aftercare. Following these incidences, the Defendant agreed to a modification of his conditions and was then required to complete a six-month placement at the Lake Region Law Enforcement Center (LRLEC) and also take counseling while at LRLEC. The Defendant not only failed to return to the center after an October 29, 2005 pass and also failed to complete the required counseling.

It is the recommendation of Magistrate Judge Senechal that the Defendant serve a term of twelve months in custody with no additional term of supervised release. The Court has received correspondence from the Defendant's attorney indicated that Defendant has reviewed Magistrate Judge Senechal's Report and Recommendation and will not file an objection. Upon review of the Report and Recommendation and the Defendant's file, this Court adopts the Magistrate Judge's recommendation in its entirety.

Defendant has also informed the Court that he has been recently diagnosed with rheumatoid arthritis. The Court requests that he placed at a correctional facility where he can receive treatment for his medical condition.

IT IS SO ORDERED.

Dated this 9th day of January, 2006.


Ralph R. Erickson, District Judge
United States District Court